

Robert E. Bequeaith
 Lloyd K. Brown
 Larry Chinn
 Kecia D. Clark-Welch
 Tommy R. Crouse
 Ben W. Davis
 Charles A. DeKnicker, Sr.
 Earl M. Frederick
 Loren H. Geiken
 John N. Guilford
 John E. Halcomb
 Rayford R. Harper
 Michael A. Hershberger
 Patrick J. Hogan, Jr.
 Todd A. McBrian
 Amilton T. Monteiro
 Harold W. Mumford
 John W. Myre
 David G. Oakley
 Charles D. Oestreich
 John S. Olsen
 Thomas J. Prusik
 Brent L. Seaux
 Glen W. Sterling

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 24 applicants has satisfied the entry conditions for obtaining an exemption from the vision

requirements (64 FR 27027; 64 FR 51568; 66 FR 48504; 68 FR 54775; 69 FR 64806; 70 FR 2705; 70 FR 48797; 70 FR 53412; 70 FR 61493; 72 FR 1054; 72 FR 52422; 72 FR 58362; 72 FR 67344; 72 FR 84971; 74 FR 26464; 74 FR 37295; 74 FR 48343; 74 FR 57553; 74 FR 76439). Each of these 24 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by December 12, 2011.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 24 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would

otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: October 28, 2011.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2011-29162 Filed 11-9-11; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2011-0298]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 7 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision requirement.

DATES: Comments must be received on or before December 12, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0298 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- *Fax:* 1 (202) 493-2251.

Instructions: Each submission must include the Agency name and the

docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." FMCSA can renew exemptions at the end of each 2-year period. The 7 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an

exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Adam O. Carson

Mr. Carson, age 29, has had retinopathy in his left eye since birth. The best corrected visual acuity in his right eye 20/30 and in his left eye, light perception. Following an examination in 2011, his ophthalmologist noted, "I believe that his vision is sufficient to perform his driving tasks required to operate a commercial vehicle." Mr. Carson reported that he has driven straight trucks for 9.4 years, accumulating 18,800 miles. He holds a Class D operator's license from Mississippi. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael P. Eisenreich

Mr. Eisenreich, 47, has a prosthetic left eye due to a traumatic injury sustained in 1984. The best corrected visual acuity in his right eye 20/20. Following an examination in 2011, his optometrist noted, "I certify that in my opinion that he can safely perform the driving tasks required to operate a commercial vehicle." Mr. Eisenreich reported that he has driven tractor-trailer combinations for 5 years, accumulating 195,000 miles. He holds a Class A Commercial Driver's License (CDL) from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Carlton G. Frank

Mr. Frank, 49, has had central scarring in his left eye since 2006. The best corrected visual acuity in his right eye 20/15 and in his left eye, 20/60. Following an examination in 2011, his optometrist noted, "In summary, Mr. Frank's condition remains stable, and he has sufficient vision to perform driving tasks required to operate a commercial vehicle." Mr. Frank reported that he has driven buses for 3 years, accumulating 66,000 miles. He holds a Class B CDL from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger W. Hammock

Mr. Hammock, 43, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye 20/70 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, "In my medical opinion, Roger Hammock has sufficient vision to perform the driving tasks

required to operate a commercial vehicle." Mr. Hammock reported that he has driven straight trucks for 17 years, accumulating 601,120 miles. He holds a Class D operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John T. Thor

Mr. Thor, 70, has had malignant melanoma in his right eye since the mid 1990's. The best corrected visual acuity in his right eye 20/500 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, "In my opinion, Mr. John Thor has adequate vision to perform the tasks required to operate a commercial vehicle." Mr. Thor reported that he has driven straight trucks for 50 years, accumulating 500,000 miles and tractor-trailer combinations for 6 years, accumulating 360,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows 1 crash, due to weather, and no convictions for moving violations in a CMV.

George Ulferts

Mr. Ulferts, 46, has had a completely detached retina in his left eye since February of 2008. The best corrected visual acuity in his right eye 20/20 and in his left eye, light perception. Following an examination in 2011, his optometrist noted, "It is of medical opinion that Mr. Ulferts has the appropriate level of acuity in his right eye to sufficiently perform the driving tasks required to operate a commercial vehicle." Mr. Ulferts reported that he has driven straight trucks for 25 years, accumulating 625,000 miles. He holds a Class D operator's license from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Donald F. Wilton

Mr. Wilton, 42, has had amblyopia in his left eye since childhood. The best corrected visual acuity in his right eye 20/20 and in his left eye, 20/70. Following an examination in 2011, his optometrist noted, "I certify that Mr. Wilton shows sufficient vision to operate a commercial vehicle." Mr. Wilton reported that he has driven tractor-trailer combinations for 23 years, accumulating 2.3 million miles. He holds a Class A CDL from California. His driving record for the last 3 years shows no crashes, but one conviction for a moving violation in a CMV; failure to stop at a traffic signal.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business December 12, 2011. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: November 3, 2011.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2011-29160 Filed 11-9-11; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1999-5748; FMCSA-1999-5578; FMCSA-2002-12844; FMCSA-2003-15892; FMCSA-2005-21711]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 20 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective November 30, 2011. Comments must be received on or before December 12, 2011.

ADDRESSES: You may submit comments bearing the Federal Docket Management

System (FDMS) numbers: FMCSA-1999-5748; FMCSA-1999-5578; FMCSA-2002-12844; FMCSA-2003-15892; FMCSA-2005-21711, using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1-(202) 493-2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit <http://www.edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m.

Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 20 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 20 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Thomas E. Adams
Terry J. Aldridge
Lennie D. Baker, Jr.
Jerry D. Bridges
William J. Corder
Gary R. Gutschow
James J. Hewitt
Albert E. Malley
Eugene P. Martin
David L. Menken
Rodney M. Mimbs
Walter F. Moniowczak
William G. Mote
James R. Murphy
Chris A. Ritenour
Ronald L. Roy
Thaoms D. Walden
Thomas E. Walsh
Kevin P. Weinhold
Thomas A. Wise

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her